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Filing date: **11/18/2011**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91201093
Party	Defendant Power Force, LLC
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Date	11/18/2011
Attachments	Initial Disclosures.pdf (4 pages)(125240 bytes)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

In the matter of trademark application Serial No.:	85/134,611
Filed:	September 21, 2010
For the mark:	POWER FORCE
Published in the Official Gazette on:	April 12, 2011

POWER BALANCE, LLC,)	
)	
Opposer,)	Opposition No: 91201093
)	
v.)	Opposer's File No.: M224022
)	
POWER FORCE, LLC,)	
)	
Applicant.)	

UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
Post Office Box 1451
Alexandria, VA 22313-1451

APPLICANT'S INITIAL DISCLOSURES

Applicant hereby serves on Opposer their Initial Disclosures in the above-captioned case. Applicant's Initial Disclosures, including the listing of a witness or a document, are made based upon information presently known to Applicant and are made without waiver of, or prejudice to, any objections they may have. Applicant expressly reserves all objections including, but not limited to: (a) relevance; (b) attorney-client privilege; (c) work product protection; (d) privacy; (e) any other applicable privilege or protection under federal or state law; (f) undue burden; (g) materiality; (h) overbreadth; and (i) the admissibility in evidence of these Initial Disclosures or the subject matter thereof. Before contacting a witness, Opposer's counsel should notify and

seek permission from Applicant's counsel of record. Named Applicant should only be contacted through their counsel of record.

Applicant continues its investigation of the facts of this case and reserves the right to clarify, amend, modify or supplement the information contained in these Initial Disclosures, if and when they obtain supplemental information.

1. The following are likely to have information regarding Application Serial No.

85134611 for the Mark POWER FORCE:

a. Guy Savage

Each of the former persons should be contacted through their counsel of record.

Others may have knowledge regarding Application Serial No. 85134611 for the Mark POWER FORCE.

b. All former and/or current employees, representatives, and/or agents thereof, identified by Opposers in this case, with information, generally, regarding Application Serial No. 85134611 for the Mark POWER FORCE that Applicant may use to support its claims and defenses.

c. All current and former employees of Opposers, their parents, affiliates, subsidiaries, and divisions who work or worked from the date of the Application for Serial No. 85134611 for the Mark POWER FORCE.

d. All expert witnesses used in this matter.

e. Without waiving any objections, all witnesses listed and disclosed by Opposers.

f. All necessary custodians of records.

g. All necessary foundation witnesses.

h. Additional third parties whose identities are presently unknown to Applicant.

i. All witnesses revealed through continuing discovery.

- j. Without waiving any objections, all individuals, experts and entities identified by all other parties in their Initial Disclosures, in response to discovery, mentioned by any witness in testimony given in this case, or identified in any document produced by any party, and reserves the right to depose, and rely upon the testimony of, all such individuals, experts and entities in support of its claims and defenses.

2. The following documents may contain information relevant to Applicant's claims. These documents are located at Applicant's corporate headquarters. This disclosure of documents is based on information currently available and Applicant reserves the right to supplement this disclosure based on additional information discovered in the course of this action and to offer additional documents at trial or otherwise in this action:

- a. All forms, registrations and documents submitted to acquire Application Serial No. 85134611.
- b. Without waiving any objections, all documents disclosed or produced by Applicant.
- c. Without waiving any objections, all documents disclosed or produced by Opposer.
- d. Without waiving any objections, all documents disclosed or produced by third parties.

3. Computation of Damages. The computation of damages cannot be determined until the information is obtained from Opposers and possibly third parties, and may require the assistance of expert consultants.

This the 18th day of November, 2011.

Respectfully submitted,

/E Kirk Wood/

E. Kirk Wood
Michael E. Gurley

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Attorneys for Applicant
Power Force, LLC

CERTIFICATE OF SERVICE

I hereby certify that on this 18th day of November, 2011, a copy of the foregoing Initial Disclosures was served on Opposer by email and by mailing a copy to Opposer Attorney of Record at:

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/E Kirk Wood/

E. Kirk Wood